

SENATE BILL No. 286

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2; IC 13-15-1-2; IC 13-18-24.

Synopsis: Ballast water and sediment in oceangoing vessels. Provides that, beginning July 1, 2009, each oceangoing vessel engaging in port operations in Indiana must obtain a permit from the department of environmental management (IDEM). Allows IDEM to issue a permit only if the applicant can demonstrate that the vessel will not discharge aquatic nuisance species, or if the vessel discharges ballast water or sediment, that the operator of the vessel will use environmentally sound technology and methods to prevent the discharge of aquatic nuisance species. Requires IDEM to establish a ballast water and sediment inspection program that ensures that aquatic nuisance species do not enter the waters of Indiana. Requires the water pollution control board to adopt rules to implement these provisions.

Effective: July 1, 2008.

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January 10, 2008, read first time and referred to Committee on Energy and Environmental Affairs.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 286

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-9.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]: **Sec. 9.5. "Aquatic nuisance species", for purposes of**
4 **IC 13-18-24, means a nonindigenous species that threatens any of**
5 **the following in waters infested with the nonindigenous species:**

6 **(1) The diversity or abundance of native species.**

7 **(2) The ecological stability of the waters.**

8 **(3) Any of the following types of activities dependent on the**
9 **waters:**

10 **(A) Commercial.**

11 **(B) Agricultural.**

12 **(C) Aquacultural.**

13 **(D) Recreational.**

14 SECTION 2. IC 13-11-2-16.7 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2008]: **Sec. 16.7. "Ballast water", for**
17 **purposes of this chapter and IC 13-18-24, means water and**



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1 associated solids taken on board an oceangoing vessel outside
 2 Indiana to control or maintain trim, draft, stability, or stresses on
 3 the oceangoing vessel, without regard to the manner in which the
 4 ballast water is carried.

5 SECTION 3. IC 13-11-2-142.8 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2008]: **Sec. 142.8. "Oceangoing vessel", for**
 8 **purposes of this chapter and IC 13-18-24, means a vessel that**
 9 **operates on the Great Lakes or the St. Lawrence waterway after**
 10 **operating in waters outside the Great Lakes or the St. Lawrence**
 11 **waterway.**

12 SECTION 4. IC 13-11-2-197.8 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2008]: **Sec. 197.8. "Sediment", for purposes**
 15 **of IC 13-18-24, means any matter settled out of ballast water in an**
 16 **oceangoing vessel.**

17 SECTION 5. IC 13-15-1-2 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 2.** The water pollution
 19 control board shall establish requirements for the issuance of permits
 20 to control water pollution and atomic radiation, including the
 21 following:

22 (1) Permits to control or limit the discharge of any contaminants
 23 into state waters or into a publicly owned treatment works.

24 (2) Permits for the construction, installation, or modification of
 25 facilities, equipment, or devices to control or limit any discharge,
 26 emission, or disposal of contaminants into the waters of Indiana
 27 or into a publicly owned treatment works.

28 (3) Permits for the operation of facilities, equipment, or devices
 29 to control or limit the discharge, emission, or disposal of any
 30 contaminants into the waters of Indiana or into a publicly owned
 31 treatment works.

32 **(4) Permits under IC 13-18-24-1 for oceangoing vessels.**

33 However, the water pollution control board may not require a permit
 34 under subdivision (2) for any facility, equipment, or device
 35 constructed, installed, or modified as part of a surface coal mining
 36 operation that is operated under a permit issued under IC 14-34.

37 SECTION 6. IC 13-18-24 IS ADDED TO THE INDIANA CODE
 38 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2008]:

40 **Chapter 24. Ballast Water and Sediment in Oceangoing Vessels**
 41 **Sec. 1. Beginning July 1, 2009, each oceangoing vessel engaging**
 42 **in port operations in Indiana must obtain a permit from the**

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department. The department shall issue a permit for an oceangoing vessel under this section only if the applicant can demonstrate that:

- (1) the oceangoing vessel will not discharge aquatic nuisance species; or
- (2) if the oceangoing vessel discharges ballast water or sediment, that the operator of the vessel will use environmentally sound technology and methods, as determined by the department, that can be used to prevent the discharge of aquatic nuisance species.

Sec. 2. The department shall determine the requirements for application for and issuance of a permit under section 1 of this chapter.

Sec. 3. The department shall establish a ballast water and sediment inspection program that ensures that aquatic nuisance species do not enter the waters of Indiana through the direct or indirect discharge of either of the following:

- (1) Ballast water.
- (2) Sediment.

Sec. 4. (a) The water pollution control board:

- (1) shall adopt rules to implement this chapter; and
- (2) may establish a fee under IC 13-16-1 for the issuance of a permit under section 1 of this chapter.

(b) In adopting rules under subsection (a)(1), the water pollution control board shall cooperate to the fullest extent practical with:

- (1) other Great Lakes basin states;
- (2) the Canadian Great Lakes provinces;
- (3) the Great Lakes panel on aquatic nuisance species;
- (4) the Great Lakes fishery commission;
- (5) the International Joint Commission; and
- (6) the Great Lakes Commission;

to ensure the development of standards for the control of aquatic nuisance species that are broadly protective of Indiana waters and other natural resources.

SECTION 7. [EFFECTIVE JULY 1, 2008] (a) The water pollution control board shall adopt the rules described under IC 13-18-24-4, as added by this act, not later than June 30, 2009.

(b) The department of environmental management shall establish the procedure for the issuance of permits under IC 13-18-24, as added by this act, not later than July 1, 2009.

(c) This SECTION expires July 2, 2009.

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